

:

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 26980 of 1999

Between:

B.Veeraiah, s/o.Venkataiah, 30 years, business, Madha Village,
Husnabad Mandal, Karimnagar District.

..... PETITIONER

AND

- 1) The Commissioner of Prohibition & Excise, Govt. of A.P.
Hyderabad.
- 2) The Dy. Commissioner of Prohibition & Excise,
A.P.Karimnagar Division,Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, more particularly one in the nature of Mandamus, declaring the action of the respondents in issuing Proceedings No.Cr.No.1067/97/P &Ex/B4, dated 22-2-1999 as arbitrary, illegal, null & void and violative of the principles of natural justice; and orders be passed accordingly.

For the Petitioner:MR.J.SIDDAIAH ,Advocate.

For the Respondent s.: GP FOR PROHIBITION & EXCISE

The Court made the following :

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ORDER:

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The petitioner's vehicle i.e., two-wheeler (TVS Champ) bearing No.AP-15F-6414 was ordered to be confiscated to the Government by the Deputy Commissioner of Prohibition & Excise, A.P. Karimnagar Division, Karimnagar through his proceedings No.1067/97/P&Ex/B4 dated 24-12-1997. Aggrieved by the same, the petitioner filed an appeal before Commissioner of Prohibition & Excise, A.P.Hyderabad and the pending the appeal, he obtained order of interim custody of the vehicle on his furnishing fixed deposit for Rs..7,000/- and giving an undertaking with two sureties. The Commissioner of Prohibition and Excise of A.P.Hyderabad dismissed the said appeal through his proceedings in Cr.No.1062/DPE/98/B2 dated 9-12-1998. On dismissal of the appeal, the impugned notice dated 22-02-1999 came to be issued against the petitioner calling upon him to produce the vehicle, failing which further action will be taken.

The petitioner has not chosen to challenge the confiscation order passed by the Deputy Commissioner of Prohibition & Excise, Karimnagar as confirmed by the Commissioner of Prohibition and Excise, Hyderabad, which has become final, therefore, he cannot challenge the impugned confiscation notice issued on dismissal of the appeal.

The petition is accordingly dismissed. No costs.

06-2004

dvs/kmr

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION

OFFICER.

To

1. The Commissioner of Prohibition & Excise, Govt. of A.P. Hyderabad.
2. The Dy. Commissioner of Prohibition & Excise, A.P. Karimnagar, Division, Karimnagar.
3. Two CCs to Government Pleader for Excise, High Court of A.P., Hyderabad. (OUT)
4. Two CDs